

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

Joretha Spann,

Debtor.

Chapter 13 Case
Case No. 17-20111

**DEBTOR'S AMENDED MOTION TO MODIFY HER CONFIRMED
CHAPTER 13 PLAN**

Joretha Spann (the "Debtor"), by and through her undersigned counsel, moves this Court for an order to modify her confirmed Chapter 13 plan, and respectfully states as follows.

1. This case was commenced by the Debtor on February 7, 2017 by filing a voluntary petition for relief under Chapter 13, Title 11 of the U.S. Code.
2. This amended motion is filed pursuant to 11 USC § 1329 to include post-petition taxes owed to the City of Rochester in the amount of \$2,945.14 in the Debtor's Chapter 13 plan.
3. The amendment is needed to add an additional \$233 to the amount owed and to change the payee from American Tax Funding to the City of Rochester.
4. 11 USC § 1329 allows modification of the plan any time after confirmation but prior to completion of all payments under the confirmed plan.
5. Debtor's Chapter 13 plan was confirmed on December 18, 2017.
6. American Tax Funding ("ATF") filed a motion to lift the automatic stay with respect to the debtor's homestead on September 5, 2018. The Debtor negotiated a conditional order to resolve ATF's motion. The conditional order requires the Debtor to modify her plan to include the post-petition taxes.
7. Debtor respectfully request that the court modify her Chapter 13 plan as follows:

- a. With respect to the monthly Chapter 13 Plan payment, the plan payment shall increase by \$85.94.
 - b. With respect to secured claims, there are no changes.
 - c. With respect to priority unsecured claims, the City of Rochester shall be paid through the plan monthly payments of \$78.84, inclusive of interest at 12% per annum, starting January 1, 2019, for the remainder of the plan.
 - d. With respect to general unsecured claims, there are no changes.
8. No additional professional fees are to be paid within or outside the plan.
 9. The remaining provisions of the original plan would still be in effect.
 10. The Debtor is trying to save her homestead and will keep up with the payments. The Debtor's Amended Budget is included hereto as Exhibit A.
 11. John M. Campolieto, Municipal Attorney of the City of Rochester does not object to "having the post-petition taxes rolled into the bankruptcy to be paid back with interest." See Exhibit B.
 12. The plan, if modified, would be completed within 60 months of the effective date of the plan.

WHEREFORE, the Debtor respectfully requests an order modifying her Chapter 13 plan as set forth above and for other additional relief as the court deems just and proper.

Date **October 24, 2018**

Signature **/s/ Jason Racki**

Name **Jason Racki**

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